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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,187

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10/12/2010

EXAMINER

LE, NANCY LOAN T

ART UNIT

PAPER NUMBER

3621

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10/12/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,187	<b>Applicant(s)</b> DE JANASZ, CHRISTOPHER G.	
	<b>Examiner</b> NANCY T. LE	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

Applicant's Amendment filed 21 June 2010 is entered and acknowledged.

All references to the capitalized versions of "Applicants" refer specifically to the Applicants of record. Any references to lower case versions of "applicant" or "applicants" refer to any or all patent "applicants". Unless expressly noted otherwise, references to "Examiner" refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally.

This paper is given Paper No. 20100825 by the Examiner. This Paper No. is for reference purposes only.

### ***Status of Claims***

Claims 1-34 have been examined and pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-24, 29-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,158,655 (DeVries, Jr.; hereafter “DeVries”) in view of U.S. Patent No. 6,484,260 (Scott), further in view of U.S. Patent Application Publication No. 2003/0220835 A1 (Barnes, Jr.; hereafter “Barnes”), and further in view of U.S. Patent No. 5,010,485 (Bigari).

**DeVries** discloses a computer-implemented method and system, comprising:

- receiving a signal from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the signal comprising an unique identifier (i.e., the vehicle owner code (bar code), the unique identifier not comprising a financial account number or a user-provided PIN, the signal transmitted responsive to a predetermined input from a user (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
- transmitting the unique identifier to a central processor adapted to, responsive to an automatic determination that the unique identifier is associated with a valid financial account, approve the proposed transaction (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29); and
- receiving an approval from the central processor to complete the proposed transaction, the proposed financial transaction involving the valid financial account associated with the unique identifier (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);

- requesting and receiving, respectively, the PIN from the user (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
- wherein encryption of the unique identifier utilizes a code-hopping technique (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
- wherein the proposed financial transaction comprises provision of a product, service, respectively (i.e., fuel/gas service, etc.);
- polling for the signal;

DeVries does not expressly disclose such a method and system comprising: the signal comprising an encrypted unique identifier.

**Scott**, however, teaches:

- ❖ the signal comprising an encrypted unique identifier (i.e., encrypted signal includes an identification code of the enrolled person or device – see **Scott** at least the Abstract, C 2 L 15-21), to protect data in transit, for example data being transferred via networks such as the Internet, e-commerce.

Therefore, it would have been obvious and motivated to an ordinary skill in the art at the time the invention was made to add the ‘*encryption*’ feature as taught in the personal identification system of Scott to the system disclosed in the DeVries reference, to protect data in transit, for example data being transferred via networks such as the Internet, e-commerce.

As the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, so, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Neither DeVries nor Scott taken individually or in combination thereof teaches:

- ❖ *causing the information associated with the approval of the proposed financial transaction to be rendered to the user via a user interface.*

**Barnes**, however, teaches:

- ❖ *causing the information associated with the approval of the proposed financial transaction to be rendered to the user via a user interface* (i.e. “providing an indication of the satisfactory or unsatisfactory completion of the transaction to the user”; or “the device 101 transmits the indication of the success or failure of the transaction, to the automobile in which the user is riding for display on the vehicle's heads up display.” -- see **Barnes** at least the Abstract, paras. 128, 134), to notify the user of the result of the financial transaction.

Therefore, it would have been obvious and motivated to an ordinary skill in the art at the time the invention was made to add the feature:

*“causing the information associated with the approval of the proposed financial transaction to be rendered to the user via a user interface”,*

as taught in the system of Barnes to the combination of the systems of DeVries and Scott to notify the user of the result of the financial transaction.

As the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, so, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Scott** further teaches:

polling for the signal;

**Barnes** further teaches:

transmitting a request for or obtaining an approval of the proposed financial transaction (inherently included in paras. 130-131);

wherein the proposed financial transaction comprises provision of access to a physical location (i.e., access to a hotel – see Barnes at least para. 134);

wherein the proposed financial transaction comprises provision of a product, service, respectively (i.e., fuel/gas, hotel services, etc.);

receiving or providing an acknowledgment of fulfillment of the proposed financial transaction [to the transmitter/user] (see Barnes at least para. 134).

DeVries, Scott and Barnes, taken individually or in combination thereof, does not expressly or implicitly teach:

*said central processor, adapted to, responsive to an automatic determination that the proposed financial transaction exceeds a predetermined amount, reject the proposed financial transaction; and*

*receiving/obtaining/transmitting/storing/reporting a rejection of the proposed financial transaction from the central processor.*

**Bigari**, however, teaches:

*said central processor, adapted to, responsive to an automatic determination that the proposed financial transaction exceeds a predetermined amount, reject the proposed financial transaction (see **Bigari** at least Abstract, column/lines, 7/49 – 8/5, claim 1); and*

*receiving/obtaining/transmitting/storing/reporting a rejection of the proposed financial transaction from the central processor (see **Bigari** at least Abstract, column/lines, 7/49 – 8/5, claim 1);*

to disapprove (reject) the transaction and transmit a disapproval (rejection) status to the receiver to be displayed on display 28 and is shown at box 68 in Fig. 2 (**Bigari** at least Abstract, column/lines, 7/49 – 8/5, claim 1).

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to add to the modified system and method of DeVries, Scott and Barnes the aspects of:

*said central processor, adapted to, responsive to an automatic determination that the proposed financial transaction exceeds a predetermined amount, reject the proposed financial transaction; and*

*receiving/obtaining/transmitting/storing/reporting a rejection of the proposed financial transaction from the central processor;*

as taught in the system and method of Bigari, to disapprove (reject) the transaction and transmit a disapproval (rejection) status to a receiver to be displayed on



display 28 and is shown at box 68 in Fig. 2 (**Bigari** at least Abstract, column/lines, 7/49 – 8/5, claim 1).

As the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, so, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. DeVries in view of Scott, and in view of Barnes, further in view of Bigari and further in view of U.S. Patent No. 5,748,101 (Christensen).

As per claim 6:

DeVries, Scott, Barnes and Bigari, taken individually or in combination thereof, teaches a method for approving or disapproving a financial transaction comprising all limitations as shown in claim 1 as discussed above.

DeVries, Scott, Barnes and Bigari, taken individually or in combination thereof, does not expressly or implicitly teach:

- ❖ the signal transmitted responsive to “*a predetermined number of headlight high beam switch activations **within a predetermined time interval***” .

**Christensen**, however, teaches an encoded signal transmitted from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, wherein the signal transmitted responsive to “*a predetermined number of headlight high beam switch activations **within a predetermined time interval***” (Christensen, col. 3 line 63 –

col. 5 line 9, col. 11 lines 1-4, col. 37 lines 1-19) to prevent inadvertent switch activations as well as to provide a number of other motivations provided in this prior art (Christensen, col. 5 line 21 – col. 6 line 11).

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method comprising all the limitation of claim 1 as taught in the DeVries v. Scott v. Barnes to add the aspect of “a *predetermined number of headlight high beam switch activations **within a predetermined time interval***” (claim 6), as taught in the system of Christensen, to prevent inadvertent switch activations as well as to provide a number of other motivations provided in this prior art (Christensen, col. 5 line 21 – col. 6 line 11).

As the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, so, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 25-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over DeVries v. Scott v. Barnes v. Bigari and further in view of US Patent No. 5,819,234 (Slavin et al.; hereinafter “Slavin”).

As per **claims 25 and 26**, DeVries v. Scott v. Barnes v. Bigari teach a method of approving or disapproving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above including *transmitting a rejection of the*

*proposed financial transaction responsive to the proposed financial transaction exceeding a predetermined amount.*

DeVries v. Scott v. Barnes v. Bigari, taken individually or in combination thereof, does not expressly or implicitly teach such a method of approving or disapproving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction *responsive to a counter-party to the proposed financial transaction is a predetermined restricted counter-party.*

Slavin, however, teaches a method of approving or disapproving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction *responsive to a counter-party to the proposed financial transaction is a predetermined restricted counter-party* (The Office interprets a restricted counter-party and restricted subject matter to be *motorist(s)* [i.e., restricted counter-party] who has/have negative balance, i.e., who has no money left and further owes money, in his/her account against which the toll is charged/debited [i.e., restricted subject matter] – see Slavin, at least col. 10 lines 5-13, to obtain or transmit a rejection [e.g., Slavin, “a red light 34 could be flashed or an alarm can be sounded as indicated by software block 206. Moreover, the video camera 37 which is normally operated at the toll plaza can be used to store images of the plate number and other vehicle data as indicated in block 208, and a violation enforcement procedure may be initiated as indicated in block 210 when and if the toll plaza is equipped to do so.”] of the proposed financial transaction for a certain restricted counter-party or subject matter.).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of DeVries v. Scott v. Barnes v. Bigari references to transmit or report the rejection of the proposed transaction for a predetermined restricted counter-party or subject matter. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 27 and 28**, DeVries v. Scott v. Barnes v. Bigari teach a method of approving or disapproving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above including *transmitting a rejection of the proposed financial transaction responsive to the proposed financial transaction exceeding a predetermined amount*.

DeVries v. Scott v. Barnes v. Bigari, taken individually or in combination thereof, does not expressly or implicitly teaches such a method of approving or disapproving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction *responsive to a time of the proposed financial transaction is a predetermined restricted time and date*.

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction *responsive to a time of the proposed financial transaction is a*

*predetermined restricted time and date* (Slavin, at least col. 10 lines 31-33. The Office interprets the toll system implicitly rejects the proposed financial transactions, i.e., toll charges generated from the same transponder *within a given time period* at geographically remote toll plazas), to transmit a rejection of the proposed financial transaction if the time of the proposed transaction is a predetermined date and time.

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving or disapproving a proposed financial transaction taught in the modified system of DeVries v. Scott v. Barnes v. Bigari to transmit a rejection of the proposed financial transaction *if the time of the proposed transaction is a predetermined date and time*. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### ***Response to Arguments***

Applicant's arguments based upon the Declaration of Dr. Stephen G. Wilson filed 29 September 2009 with respect to,

1) "A person having ordinary skill in the art would have found that another cited reference, Hassett (US Patent No. 5805082), explains that such "*tags lack a processor or user interface*" (see Hassett, col. 2 lines 10-11)", have been fully considered but they are not persuasive. First of all, Applicant argues over a limitation/feature (i.e., "*tags lack a processor or user interface*") that is not in the claim. Furthermore, regardless whether or

not such argued feature is claimed, Hassett indeed discloses “*an in-vehicle transponding toll **processor***” (Hassett, column/lines, 3/47-52), “*the transponder **228** (tag) includes a data processor **270**, ..., and a user interface section **283**, which preferably includes user operable keys **282**, LCD or LED display unit **284**, and an audio alarm module **286**.” (Hassett, column/lines, 8/24 – 10/4, figures 14, 14A, 14B).*

2) “A person having ordinary skill in the art would not have found that Slavin (US Patent No. 5819234) teaches “responsive to a predetermined input from a user” and/or “caus[ing] information associated with the approval or disapproval of the proposed financial transaction to be rendered to the user via a user interface.”” have been considered but are moot in view of the new grounds of rejection as discussed in the 35 USC 103(a) rejections above. In particular, Bigari, teaches such features in the Abstract, at least column/lines, 7/49 – 8/5, and claim 1.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is (571) 272-7066. The examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on (571) 272-6779.

For official/regular communication, the fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

For informal/draft communication, the fax number is (571) 273-7066 (Rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NANCY T. LE  
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/  
Primary Examiner, Art Unit 3621